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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,523

12/13/2004

Simon Knowles

3011-1024

1245

466

7590

10/25/2006

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EXAMINER

KUHN, MART K

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,523

Applicant(s)

KNOWLES, SIMON

Examiner

Mart Kuhn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>13 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hingeably jointed bar-top element of claim 23 and the screen wall "releasably latched to the support members via the releasable latching means" of claim 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 70.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because it contains typographical errors such as "includesfirst" and "the releasable latching members includes". Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: the reference to particular claims in lines 18–19 of the specification is improper since original claims 2–13 referred to have been cancelled. In addition, because claims are subject to amendment, cancellation, and renumbering during the course of patent prosecution, applicant should refrain from referencing claims in the specification, as it adds nothing to the description of the invention and provides a potential source of confusion.

Appropriate correction is required.

Claim Rejections—35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 20 recites the limitation that "the surface element is selectable depending on requirement from a range of surface elements having different functions." This limitation is vague and indefinite as the "range of surface elements" is unbounded and ill-defined, making the scope of the claim unclear.

10. Claim 21 recites the limitations that the surface element is both "selectively positionable" and "repositionable" on the first and second support members. It is unclear whether these are separate requirements, and if so, how they differ from each other. For the purposes of this examination, claim 21 will be understood to mean that the surface element is removably positionable in a plurality of positions on the support members.

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Claim Rejections—35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 15, 16, and 19–22 are rejected under 35 U.S.C. 102(b) as being anticipated by DiCenzo, US patent 4,034,683. DiCenzo discloses a collapsible structure having:

- first (20, 21, 29) and second (22, 23, 29) support members,
- a surface element (35), and
- means (33, 37) for releasably latching the surface element to the support members; and
- wherein the releasable latching means includes an elongate channel (33) on each support member and two skirt portions (37) on the surface element, the skirt portions being receivable in the channels as a close fit (column 2, line 63); and
- wherein each support member is in the form of a frame having front (20 or 23) and back uprights (21 or 22) and a plurality of horizontal cross members (29) interconnecting the front and back uprights.

As regards claim 20, DiCenzo further discloses a collapsible structure wherein the surface element is selectable depending on requirement from a range of surface elements including substantially rectangular elements (35), substantially pentagonal elements (61), and sloping elements (Figures 6, 7), each of which have different functions.

As regards claim 21, DiCenzo further discloses a collapsible structure wherein the surface element is removably positionable in a plurality of positions on the support members (Figure 1), and wherein the surface element is interchangeable with another surface element (column 3, lines 4–6).

As regards claim 22, DiCenzo discloses a collapsible structure having shelves supported by the first and second support members at different elevations and releasably retained thereon, the uppermost one of which would function as a “bar-top” element and can be considered as such.

Claim Rejections—35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiCenzo, US patent 4,034,683, as applied to claim 16 above, and further in view of Bartlett et al., US patent 3,498,239. DiCenzo discloses a collapsible structure having open-ended channels, but does not teach the use of a latch element which slidably receives the edge of the open end of the channel. Bartlett et al. teach a shelving system having a surface element (8) supported by support members (6), the support members having an elongate channel (26) which receives skirt portions (28) of the surface element, and wherein there is also included on an edge of the skirt portion a latch element (36, 40) which can slidably receive the edge of the channel. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the collapsible structure of DiCenzo by including on an edge of the skirt portion of the surface element a latch element which slidably receives the edge of the open end of the channel, as taught by Bartlett et al. for the purpose of further securing the surface element to the support member. The latch element of Bartlett et al. slidably receives an interior edge of the channel because the channel has an open bottom in which the skirt portion is received, but it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to accommodate the closed bottom of the channel of DiCenzo by repositioning the latch element so that it descended from an outer end of the skirt portion to engage the open end of the channel.

15. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiCenzo, US patent 4,034,683, as applied to claim 22 above, and further in view of White, US patent 3,848,375. DiCenzo does not disclose a collapsible structure having a hingeably jointed bar-top element. However White

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teaches a collapsible bar structure (10) having a bar-top element (54) which is hingeably jointed (column 3, lines 52–56), enabling it to fold up for storage. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the collapsible structure of DiCenzo by making the bar-top element hingeably jointed, as taught by White for the purpose of facilitating storage of the bar-top element when it is not in use.

16. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiCenzo, US patent 4,034,683, as applied to claim 15 above, and further in view of Petersen et al., US patent 3,841,728. DiCenzo discloses a collapsible structure having a wall (47) which has the effect of screening the front of the structure, but does not disclose a wall screening the front and sides. Petersen et al. teach a collapsible bar having a bar-top element (25) and a surface element (35) supported by support members (10, 11), and having a screen wall (15) screening the front and sides of the bar in use. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the collapsible structure of DiCenzo by using the wall thereof to screen the sides as well as the front of the structure, as taught by Petersen et al. for the purpose of improving the aesthetics of the assembled structure.

As regards claim 27, the screening wall of DiCenzo is releasably latched to the support members via the releasable latching means (49, 28a; column 4, lines 35–39).

17. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiCenzo, US patent 4,034,683, and Petersen et al., US patent 3,841,728, as applied to claim 24 above, and further in view of Donovan, US patent 1,093,119. Petersen et al. disclose a collapsible bar wherein the front and sides are screened by screen walls, and wherein the support members are hingeably jointed (6, 7, 8) to enable the support structure to fold, but do not disclose a screen wall itself hingeably jointed. However Donovan teaches a screen wall (Figure 1) hingeably jointed (18) so it can be folded (Figure 2). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the collapsible structure of DiCenzo, already modified by Petersen et al. to screen the front and sides, by

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using a hingeably jointed screen wall to do so, as taught by Donovan for the purpose of enabling the screen wall to be conveniently collapsed for storage.

As regards claim 26, Petersen et al. disclose a screen wall that can be removed and replaced (column 1, lines 31–33), but not one that is freestanding. However Donovan discloses a screen wall which is freestanding (Figure 1). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the collapsible structure of DiCenzo, already modified by Petersen et al. to screen the front and sides, by using a freestanding screen wall to do so, as taught by Donovan for the purpose of allowing the entire screen wall to be removed and replaced conveniently as a unit without interfering with the support structure.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 enclosed herewith. The cited patents include a variety of portable and collapsible bars, as well as collapsible shelving units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mart Kuhn whose telephone number is (571) 272-8926. The examiner can normally be reached on M–F, 8:30am–5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/23/06

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